

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEPHEN STERN,

Plaintiff,

vs.

Case No. C2-05-907

Judge Edmund A. Sargus, Jr.

Magistrate Judge Mark R. Abel

BRYAN H. HELMET,

et al.,


Defendants.

ORDER

On January 24, 2007, Defendants moved for summary judgment related to three named John Doe Defendants in Plaintiff's original complaint. Defendants argued that Plaintiff had not effected service of a summons and a copy of the complaint, and had not sought dismissal of these unknown parties. On May 25, 2007, Plaintiff filed an Amended Complaint, in which he has designated all Defendants and has eliminated any reference to unknown John Doe Defendants. Accordingly, Defendants' Motion for Summary Judgment (Doc. #117) is **DENIED AS MOOT**.

IT IS SO ORDERED.

8-16-2007
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE